

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Case No. _____

In Re Application of

ANNA MARIA PELLESCI and BRIGITTE PELLESCI
as the Personal Representatives of the
Estate of RENATO PELLESCI,

Applicants,

APPLICATION FOR DISCOVERY
UNDER 28 U.S.C. § 1782.

1:19 MC 102

JUDGE LIOI

FILED
JUL 09 2019
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

EX PARTE APPLICATION
FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782

Applicants, ANNA MARIA PELLESCI and BRIGITTE PELLESCI as the Personal Representatives of the Estate of RENATO PELLESCI (the "Estate"), by and through the undersigned counsel, submit this *ex parte* application for judicial assistance in obtaining evidence for use in aid of post-judgment execution in a foreign proceeding pursuant to 28 U.S.C. § 1782 ("Application"), and state:

1. The Estate seeks assistance from this Court to issue and serve testamentary subpoenas duces tecum for documents, including electronically stored information ("ESI"), from (1) FRANCESCO POCCI, residing at 9847 Lakeview Circle, Strongsville, Ohio 44136; and (2) ANNA POCCI, residing at Blair House Apartments 51, 19601 Van Aken Boulevard, Shaker Heights, Ohio, 44122 (together "Foreign Defendants") who both reside within the Northern District of Ohio. A true and correct copy of the excerpt from the governmental Register of Italians Residing Abroad as of February 11, 2019 is attached as **Exhibit A**.

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2. The Estate, as the successor in interest of Mr. Pelleschi, seeks the discovery for use in a foreign proceeding in Italy captioned *Renato Pelleschi v. Francesco Pocchi and Anna Pocchi*, case number RG 3787/2013 (“Foreign Proceeding”).

3. Specifically, on May 29, 2018, Mr. Renato Pelleschi obtained a civil judgment in the Foreign Proceeding for, among other things, € 982,918.38 against the Foreign Defendants (“Judgment”).

4. The Foreign Defendants purported to be the testamentary heirs of the deceased Luana Mannucci by forging Mrs. Mannucci’s will. Mr. Pelleschi proved the falsity of the will in the Foreign Proceeding and was declared Ms. Mannucci’s sole heir *ex lege*.

5. The background, factual support for this application, and the content of the Judgment are reflected in the Declaration of MARCO LASTELLI, the foreign legal counsel for Mr. Pelleschi and the Estate, attached as **Exhibit B**.

6. The Estate meets the statutory requirements set forth in Section 1782 because the Foreign Defendants are “found” in this District, the discovery is sought “for use” in a pending foreign proceeding in which the Estate is an “interested person” as the successor in interest of Mr. Pelleschi.

7. Further, the four discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004) weigh in favor of granting the Estate’s application as discussed in detail in the attached Memorandum of Law in Support, attached as **Exhibit C**.

8. The Estate now seeks evidence in aid of post-judgment phase of the Foreign Proceeding in Italy. To date, the Estate has not recovered any amount due under the Judgment from the Foreign Defendants.

In re Application under 28 U.S.C. § 1782 of the Estate of Renato Pelleschi
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9. Specifically, the Estate seeks discovery from the Foreign Defendants for purposes of obtaining any documents and information regarding any assets, ownership interest, funds, the use thereof, transfers of tangible and intangible property, and any other means available for satisfaction of the Judgment within the Foreign Proceeding.

10. Should this Court grant this Application, the Estate proposes to serve subpoenas duces tecum for deposition on the Foreign Defendants in substantially the same form as those attached as **Exhibit D**.

WHEREFORE, the Applicant, RENATO PELLESCI, under 28 U.S.C. § 1782, respectfully request that this Honorable Court enter an Order authorizing the Estate to issue and serve the proposed subpoenas duces tecum for deposition attached as **Exhibit D** on FRANCESCO POCCI and ANNA POCCI and grant any further relief as this Court deems just and proper.

Dated: June 18, 2019

/s/ Giacomo Bossa
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